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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,013	06/23/2004	Erella Pines	0706US-Saliwizer	2726
23521	7590	08/15/2007		
SALTAMAR INNOVATIONS 30 FERN LANE SOUTH PORTLAND, ME 04106			EXAMINER JOHNSON, SHEVON ELIZABETH	
			ART UNIT	PAPER NUMBER
			3766	
			MAIL DATE	DELIVERY MODE
			08/15/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/500,013

Applicant(s)

PINES ET AL.

Examiner

Shevon E. Johnson

Art Unit

3766

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Applicant's remarks dated 7/5/2007.
- 2a) ☒ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-21, 25, 26, 43-46, 49 and 57-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-21, 25, 26, 43-46, 49 and 57 is/are allowed.
- 6) ☒ Claim(s) 58-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

1. This action is in response to applicant's amendment received on 7/5/2007. Claims 18-21, 25, 26, 43-46, 49 and 57-61 are pending in the present application. Substitute oath/declaration in compliance with 37 C.F.R. 1.67(a) is accepted. The indicated allowability of claims 58-61 is withdrawn.

### *Election/Restrictions*

2. Applicant's election with traverse of claims 18-21, 25, 26, 43-46, 49 and 57 in the reply filed on 7/5/2007 is acknowledged. The traversal is on the ground(s) that special burden as required by MPEP 803(b). The restriction of claims has been withdrawn.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 58-61 are rejected under 35 U.S.C. 102(b) as being anticipated by Block (U.S. Patent No. 5,760,692).

In regards claim 58, Block discloses a housing for an intraoral device, the intraoral device being configured so as to be fixable to at least one tooth within an oral cavity of an individual, the housing comprising: (a) a body and (b) an attachment element for fixing said body to the at least one tooth, wherein, said attachment element comprises at least one clasp for attaching said body to said at least one tooth, said at least one clasp including at least one elastic jaw, whereby said at least one clasp fixes onto said at least one tooth by the pressure of said at least one jaw against said at least one tooth (col. 4, lines 16-67; col. 5, lines 21-32; figs. 3, 4, 7 and 8).

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In regards claim 59, Block discloses a housing wherein said at least one jaw has a face, said face having an adhesion modification for increasing fixation of said at least one jaw to said at least one tooth (col. 4, lines 16-67; col. 5, lines 21-32).

In regards claims 60, Block discloses a housing wherein said face has a surface area and said adhesion modification increases the surface area of said face (col. 4, lines 16-67; col. 5, lines 21-32).

In regards claim 61, Block discloses a housing wherein said adhesion modification includes at least one groove on said face (col. 4, lines 16-67; col. 5, lines 21-32).

**5. Claims 58-61 are rejected under 35 U.S.C. 102(e) as being anticipated by Glen (U.S. Patent No. 6,239,705).**

In regards claim 58, Glen discloses a housing for an intraoral device, the intraoral device being configured so as to be fixable to at least one tooth within an oral cavity of an individual, the housing comprising: (a) a body and (b) an attachment element for fixing said body to the at least one tooth, wherein, said attachment element comprises at least one clasp for attaching said body to said at least one tooth, said at least one clasp including at least one elastic jaw, whereby said at least one clasp fixes onto said at least one tooth by the pressure of said at least one jaw against said at least one tooth (col. 3, line 42 – col. 4, line 67; col. 5, lines 31-43; figs. 1, 2 and 5).

In regards claim 59, Glen discloses a housing wherein said at least one jaw has a face, said face having an adhesion modification for increasing fixation of said at least one jaw to said at least one tooth (col. 3, line 42 – col. 4, line 67; col. 5, lines 31-43).

In regards claims 60, Glen discloses a housing wherein said face has a surface area and said adhesion modification increases the surface area of said face (col. 3, line 42 – col. 4, line 67; col. 5, lines 31-43).

In regards claim 61, Glen discloses a housing wherein said adhesion modification includes at least one groove on said face (col. 3, line 42 – col. 4, line 67; col. 5, lines 31-43).

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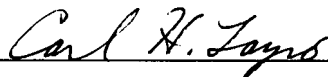
**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shevon Johnson whose telephone number is (571) 272-2010. The examiner can normally be reached on M-F (8 a.m. - 4:30 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shevon Johnson, Art Unit 3766

  
\_\_\_\_\_  
CARL LAYNO  
PRIMARY EXAMINER